

the incentive payment to the agency that paid the incentive payment.

“(B)(i) If the employment is with an executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term ‘employment’ includes employment under a personal services contract with the United States.

“(7) The Architect of the Capitol may prescribe regulations to carry out this subsection.

“(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

“(A) is involuntarily separated from service on or after the date of the enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

“(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

“(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

“(3) This subsection shall—

“(A) take effect on the date of enactment of this Act; and

“(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee’s separation from service described under paragraph (1)(A).

“(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term ‘employee’—

“(A) means an employee of the Office of the Architect of the Capitol; and

“(B) shall not include—

“(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

“(ii) an employee who is employed on a temporary when actually employed basis.

“(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

“(3) A former employee may not participate in a program established under this subsection, if—

“(A) the former employee was separated from service with the Office of the Architect of the Capitol for more than 1 year; or

“(B) the separation was by removal for cause on charges of misconduct or delinquency.

“(4) Retraining costs for the program established under this subsection may not exceed \$5,000 for each employee or former employee.

“(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

“(A) may use employees of the Office of the Architect of the Capitol to establish and administer pro-

grams and carry out the provisions of this section; and

“(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

“(i) not subject to the 1 year of service limitation under such section 3109(b); and

“(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

“(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1435; title 31 sections 753, 755.

#### § 166c. Acquisition of surplus supplies, materials, etc.; priority

On and after July 1, 1946, the Architect of the Capitol in expending appropriations under his control may acquire supplies, materials, equipment, furniture, and other items from Government agencies, disposing of such property under The Surplus Property Act of 1944, as amended, and shall be accorded the same priority as granted other Government agencies under that Act.

(July 1, 1946, ch. 530, 60 Stat. 401.)

#### REFERENCES IN TEXT

The Surplus Property Act of 1944 and “that Act”, referred to in text, are act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108 Stat. 1278-1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, §6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87-256, §111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§471 et seq.) of this title.

#### CODIFICATION

Section is from act July 1, 1946, popularly known as the Legislative Branch Appropriation Act, 1947.

#### § 166d. Rental or lease of storage space

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in

areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith.

(Pub. L. 93-180, §1, Dec. 13, 1973, 87 Stat. 704.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166e of this title.

### § 166e. Funds out of Contingent Expenses, Architect of Capitol

Any expenditures required to implement the provisions of section 166d of this title shall be paid from the appropriation "Contingent Expenses, Architect of the Capitol" and any funds appropriated under this head shall hereafter be available for such purpose.

(Pub. L. 93-180, §2, Dec. 13, 1973, 87 Stat. 705.)

### § 166f. Funds out of Capitol Buildings, Architect of Capitol

On and after October 18, 1986, the Architect of the Capitol may incur expenses authorized by section 166d of this title to be paid from the appropriation "Capitol Buildings, Architect of the Capitol".

(Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425.)

#### CODIFICATION

Section is based on the words "to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704)" appearing under heading "Architect of the Capitol" and subheading "Capitol Buildings" contained in H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99-500 and Pub. L. 99-591, as amended by Pub. L. 100-71, to be effective as if enacted into law.

### § 166g. Expenses for flying American flags and providing certification services therefor

On and after November 19, 1995, expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

(Pub. L. 104-53, title I, Nov. 19, 1995, 109 Stat. 528.)

### § 166h. Transfer of funds by Architect of Capitol; approval

During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

- (1) the Committee on Appropriations of the House of Representatives, in the case of

amounts transferred from the appropriation for Capitol buildings and grounds under the heading "HOUSE OFFICE BUILDINGS";

- (2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "SENATE OFFICE BUILDINGS"; and

- (3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

(Pub. L. 104-197, title III, §306, Sept. 16, 1996, 110 Stat. 2413.)

### § 166i. Energy conservation and management

The Architect of the Capitol—

- (1) shall develop and implement a cost-effective energy conservation strategy for all facilities currently administered by Congress to achieve a net reduction of 20 percent in energy consumption on the congressional campus compared to fiscal year 1991 consumption levels on a Btu-per-gross-square-foot basis not later than 7 years after October 21, 1998;

- (2) shall submit to Congress no later than 10 months after October 21, 1998, a comprehensive energy conservation and management plan which includes life cycle costs methods to determine the cost-effectiveness of proposed energy efficiency projects;

- (3) shall submit to the Committee on Appropriations in the Senate and the House of Representatives a request for the amount of appropriations necessary to carry out this section;

- (4) shall present to Congress annually a report on congressional energy management and conservation programs which details energy expenditures for each facility, energy management and conservation projects, and future priorities to ensure compliance with the requirements of this section;

- (5) shall perform energy surveys of all congressional buildings and update such surveys as needed;

- (6) shall use such surveys to determine the cost and payback period of energy and water conservation measures likely to achieve the required energy consumption levels;

- (7) shall install energy and water conservation measures that will achieve the requirements through previously determined life cycle cost methods and procedures;

- (8) may contract with nongovernmental entities and employ private sector capital to finance energy conservation projects and achieve energy consumption targets;

- (9) may develop innovative contracting methods that will attract private sector funding for the installation of energy-efficient and renewable energy technology to meet the requirements of this section;

- (10) may participate in the Department of Energy's Financing Renewable Energy and Efficiency (FREE Savings) contracts program for Federal Government facilities; and

- (11) shall produce information packages and "how-to" guides for each Member and employing authority of the Congress that detail sim-